

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ) Civil No.06cv1706-BEN (NLS)  
Plaintiff, )  
v. ) **NOTICE AND ORDER VACATING  
UNDETERMINED QUANTITIES OF BOXES OF  
SIGNATURE EDITION GOLD INFUSION PUMPS,  
ARTICLES OF DEVICE, EACH BOX CONTAINING ONE  
INFUSION PUMP, MODEL NUMBERS 7130, 7131,  
7230, AND 7231, LABELED IN PART:**  
Undetermined quantities of boxes of )  
Signature Edition Gold infusion pumps, )  
articles of device, each box containing one )  
infusion pump, Model numbers 7130, 7131, )  
7230, and 7231, labeled in part: )  
(box) )  
“\*\*\* ALARIS™ MEDICAL SYSTEMS )  
\*\*\* ALARIS Medical Systems, Inc. San )  
Diego, CA USA \*\*\* SN \*\*\*” )  
(pump) )  
“\*\*\* ALARIS \*\*\* Signature Edition® )  
GOLD Infusion System \*\*\* ALARIS \*\*\* )  
MEDICAL SYSTEMS \*\*\* SAN DIEGO, CA )  
\*\*\*,” )  
Defendants. )

Before the Court is a joint request by the parties in the above-captioned matter to vacate the Early Neutral Evaluation Conference (“ENE”) currently scheduled for November 8, 2006 at 9:30 p.m. The parties state that they are actively engaged in settlement negotiations and anticipate reaching a mutually acceptable resolution of the case in the next sixty days. Accordingly, good cause appearing,

**IT IS HEREBY ORDERED THAT:**

1. The ENE scheduled for November 8, 2006 is **VACATED**;

2. Lead trial counsel are ordered to appear **telephonically** on January 8, 2007 at 10:00 a.m.

before Magistrate Judge Stormes for a Case Management Conference pursuant to Federal Rule of Civil Procedure 16(b). Plaintiff's counsel shall initiate the **telephonic** conference.

3. In the event that the case does not settle prior to the January 8, 2006 **telephonic** Case Management Conference, the parties shall prepare letter briefs detailing the status of the case and the amount of time needed to conduct discovery. The briefs shall be lodged with Magistrate Judge Stormes on or before **January 5, 2007**, either via hand delivery or via electronic mail to Judge Stormes' official electronic mail address, [efile\\_stormes@casd.uscourts.gov](mailto:efile_stormes@casd.uscourts.gov).

Plaintiff's counsel shall serve a copy of this order on all parties that enter this case hereafter.

Failure of any counsel or party to comply with this order will result in sanctions.

## **IT IS SO ORDERED.**

DATED: October 23, 2006

  
Hon. Nita L. Stormes  
U.S. Magistrate Judge